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To: Examiner Kuo-Liang Tang Art Unit: 2122	From: Steven Fischman
Fax: (703) 872- 9306	Pages: 30 including cover sheet
Phone:	Date: 10/19/2004
Re: Serial No. 09/703,316 Group Art Unit: 2122 Confirmation No: 1369 Our Docket: YOR920000358US1 (13735)	CC:

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• Comments:

Pursuant to your request, attached hereto is a copy of a Response under 37 C.F.R. §1.116 dated and sent via facsimile on June 2, 2004 as evidenced by the Certificate of Facsimile and the Auto-Reply Facsimile Transmission.


Steven Fischman
Registration No. 34,594

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To: Examiner Kuo-Liang Teng	From: Steven Fischman
Fax: 703-872-9306	Pages: 27 pages including cover sheet
Phone:	Date: 6/2/2004
Re: U.S. Serial No. 08/703,318	CC:
Group Art Unit: 2122	
Confirmation No. 1369	
Docket No. YOR920000356US1 (13736)	

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To: Examiner Kuo-Liang Tang From: Steven Rachoon
Fax: 703-672-0306 Pages: 27 pages including cover sheet
Phone: Date: 6/22/2004
Re: U.S. Serial No. 09/703,316 CC:
Group Art Unit: 2122
Confirmation No. 1369
Docket No. Y09020000369US1 (13735)
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To: Examiner Kuo-Liang Tang	From: Steven Fischman
Fax: 703-872-9308	Pages: 27 pages including cover sheet
Phone:	Date: 6/2/2004
Re: U.S. Serial No. 09/703,316	CC:
Group Art Unit: 2122	
Confirmation No. 1369	
Docket No. YOR920000358US1 (13735)	


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AMENDMENT TRANSMITTAL LETTER (Large Entity)			Docket No. YOR920000358US1 (13735)		
Applicant(s): Matthew R. Arnold, et al.					
Serial No. 09/703,316	Filing Date November 1, 2000	Examiner Kuo-Liang J. Tang	Group Art Unit 2122		
Invention: SYSTEM AND METHOD FOR ADAPTIVELY OPTIMIZING PROGRAM EXECUTION BY SAMPLING AT SELECTED PROGRAM POINTS					
Confirmation No: 1369					
<u>TO THE COMMISSIONER FOR PATENTS:</u>					
Transmitted herewith is an amendment in the above-identified application.					
The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	54 -	54 =	0 x	\$18.00	\$0.00
INDEP. CLAIMS	3 -	3 =	0 x	\$86.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00
 <input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0510/IBM <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.					
 Signature			Dated: June 2, 2004		
Steven Fischman Registration No. 34,594			<div style="border: 1px solid black; padding: 5px;"><p>I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37C.F.R. 1.8 and is addressed to the for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</p><hr/><p style="text-align:center"><i>Signature of Person Mailing Correspondence</i></p><hr/><p style="text-align:center"><i>Typed or Printed Name of Person Mailing Correspondence</i></p></div>		
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RESPONSE UNDER 37 C.F.R.
§1.116 EXPEDITED PROCEDURE
EXAMINING GROUP 2122

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Matthew R. Arnold, et al.

Examiner: Kuo-Liang J. Tang

Serial No: 09/703,316

Art Unit: 2122

Filed: November 1, 2000

Docket: YOR920000358US1 (13735)

For: SYSTEM AND METHOD FOR
ADAPTIVELY OPTIMIZING
PROGRAM EXECUTION BY SAMPLING
AT SELECTED PROGRAM POINTS

Dated: June 2, 2004

Confirmation No: 1369

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT UNDER 37 C.F.R. §1.116

Sir:

Responsive to the Final Office Action of April 2, 2004, Applicants respectfully request the Examiner to reconsider the application in view of the following amendments and remarks.


Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 15 of this paper.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Dated: June 2, 2004


Steven Fischman